terference with interstate commerce. The state Supreme Court in 65 S. E. 526, held adversely to his contention. By a divided court, the United States Supreme Court affirmed the judgment. The Davis Case, supra, was decided by the Virginia Supreme Court on the opinion and affirmance in the Roselle Case. However, Davis' appeal from the state courts met a better fate. The United States Supreme Court opinion reads: "The Empire Art Institute of New York sent soliciting agents to Virginia, who took orders on a blank furnished by the company. These blanks stated: 'We do not compel you to take frames from us, but, owing to the delicate nature of the work, all portraits are delivered in appropriate frames which this ticket entitles you to select at wholesale prices.' The agent put the pictures into appropriate frames, and then delivered the portraits, offering the customer a choice of three different styles of frames, the customer taking one or not, at his will. It often has been pointed out that commerce among the states is a practical, not a technical, conception. The preliminary contract bound the company to furnish a chance to take a frame with the portrait. The furnishing of the opportunity was a part of the interstate transaction. From the point of view of commerce the business was one affair."

Lightning Arresters in Elevators.—Plaintiff was injured while attempting to run an elevator during a storm. The elevator was not equipped with lightning arresters. In holding the employer liable, the court in Melcher *v.* Freehold Inv. Co., 174 Southwestern Reporter, 455, says: "A lightning arrester is a well-known device to users of electricity, used for the purpose of preventing excessive charges of static electricity from being conveyed over the wires into buildings where electrical apparatus is contained and used. It is well known that static electricity or lightning during a thunderstorm is likely to get on wires carrying manufactured electricity. Defendant contends that its machinery was in such shape that the direct current used for the purpose of operating the elevator could not escape. The evidence discloses that at the time plaintiff was shocked there was a thunderstorm in progress, and that there was much lightning and thunder. The further fact that there was a flash of lightning just as plaintiff put his hand on the controller, and the fact that a fuse was found 'blown out' on this elevator, is evidence from which it can reasonably be inferred that the shock received by the plaintiff was the lightning, and that it came in over the defendant's wires. Had a lightning arrester been placed on defendant's wires, it was fairly a question of fact for the jury, under the evidence, whether it would have tended to prevent the lightning which had gotten onto the wires from entering the building; and, as there was evidence to the effect that it would tend to divert the lightning from the building and from the place where plaintiff was working in

the course of his duties, it therefore became a question of fact for the jury to determine whether, in the exercise of the highest degree of care, defendant would have failed to take the precaution which was a practical and well-known preventive. Where the law places on a person the duty of exercising the highest practicable degree of care, he must employ every well-known device and exert every well-known precautionary measure to fulfill his duty. His conduct, therefore, is not measured by what some one else does, but by what he or some one else should do in the particular situation in order to bring himself up to the standard that the law taxes and requires."

Libel and Slander—Moving Picture as Libelous.—From Merle *v.* Sociological Research Film Corporation, 152 N. Y. Supp. 829, decided by Appellate Division, New York Supreme Court, we learn that "a suit for libel based on a moving picture production is a somewhat novel proceeding," and that "there is no doubt that if the production tends to bring a person into disrepute it may give rise to such an action."

Under definition of libel—a malicious defamation expressed either by writing or printing, or by signs, pictures, effigies or the like"—followed by publication—a suit for such a libel hardly might be thought to be novel, in the sense, at least, that contention of the right to bring such a suit is novel.

There might in such a suit be more difficulty in determining whether such a libel is directed solely against one personally or against his business or whether it is to be taken in both aspects, than where a libel is in written or printed words, and whether one should have more than one count in his petition when he sues for such a libel is suggested.

This case also shows that in about every case of a libel by a moving picture the surroundings have to be taken into consideration to ascertain whether there was any libel, and it is said: "Reasonable inferences which can be drawn from the picture cannot be extended by innuendo."

The case was the showing of plaintiff's name on a building in a moving picture film of a play called "The Inside of the White Slave Traffic," it being thereby indicated that at his place of business this traffic was carried on. It was thus only by association that anything of a libelous nature was inferred. A case was held to have been stated by the petition and that there was a libel against plaintiff of a personal nature.